

REMARKS

The Office Action dated October 19, 2005 has been received and carefully noted. The above amendments to the claims and the following remarks are submitted as a full and complete response to the Office Action.

Claims 64 and 74 are amended to correct informalities. Entry of the amendments is respectfully requested because the amendments do not avoid the prior art rejections set forth in the previous Office Action, and place the case in better condition for allowance or appeal. Further, the amendments do not raise new issues that require further search and/or consideration. No new matter is added.

Applicants gratefully acknowledge the indication that claims 65, 66 and 85 would be allowable if rewritten into independent form. Applicants respectfully submit that these claims are allowable in their present form for the reasons stated below. Claims 59-91 are respectfully submitted for consideration.

The Office Action objected to claims 64 and 74 because of informalities. Applicants respectfully submit that claim 64 is amended to delete the phrase “wherein said second communication device (7)” to obviate this objection. Claim 74 is amended to provide proper antecedent basis for the network control device. Accordingly, withdrawal of the objection to claims 64 and 74 is respectfully requested.

The Office Action rejected claims 59-63, 67-70, 72-73, 75, 77-84 and 86-91 under 35 U.S.C. 102(e) as being anticipated by admitted prior art (APA). This rejection is respectfully traversed.

As a preliminary matter, Applicants note that the APA cannot be considered to be prior art under 35 U.S.C. 102(e), as the APA is not a patent or application by another. A new Office Action is requested which clarifies this issue in the event that the application is not in consideration for allowance. Furthermore, as will be discussed below, the present claims recite subject matter neither disclosed nor suggested in the APA.

Claim 59, from which claims 60-79 depend, recites a communications system. The communications system includes a first interface establishing device (30; 31; 32) connected between said first network control device (20; 21) and a transmitting network (4). In the communications system said first communication device (1) and said first network control device (20; 21) are connected such that a use signal (US) and a control signal (CS) are sent separately to said first network control device (20; 21). Further in the communications system the first network control device (20; 21) and the first interface establishing device (30; 31; 32) are connected such that the use signal (US) and the control signal (CS) are sent separately to the first interface establishing device (30; 31; 32), and the first interface establishing device (30) is adapted to send the control signal (CS) over the transmitting network (4). The communications system further includes a tone generation means (50c; 61a; 72a) is provided on the far-end side of the network for receiving the control signal after transmission through the transmitting network (4) and for generating a tone signal in response to the control signal (CS).

Claim 80, from which claims 81-85 depend, recites a communication method for a communication system. The communications system includes a first communication

device (1), a first network control device (20) for controlling a first network to which the first communication device (1) is connected and a first interface establishing device (30) connected between the first network control device (20) and a transmitting network (4). The method includes sending (S1) a use signal (US) and a control signal (CS) from the first communication device (1) to the first network control device (20) separately. The method further includes sending (S2) the use signal (US) and the control signal (CS) from the first network control device (20) to the first interface establishing device (30) separately. The method further includes receiving the control signal (CS) from the first network control device (20) and sending (S3) the control signal (CS) over the transmitting network (4). The method includes receiving the control signal after transmission through the transmitting network (4) by a tone generation means (50c; 61a; 72a) provided on the far-end side of the network, and generating (S6) a tone signal in response to said control signal (CS).

Claim 86, from which claim 87 depends, recites an interface establishing device for providing a connection over a transmitting network, wherein a communication device is connectable to the interface establishing device. The interface establishing device includes means for receiving a use signal and a control signal separately from the communication device. In the interface establishing device, the control signal is to be used to generate a tone signal at the far-end side of the transmitting network. The interface establishing device further includes means for sending the control signal and the use signal separately via said transmitting network.

Claim 88, from which claim 89 depends, recites an interface establishing device for providing a connection over a transmitting network, wherein a communication device is connectable to the interface establishing device. The interface establishing device includes means for receiving a use signal and a control signal separately via the transmitting network. The interface establishing device further includes means for generating said tone signal in response to said control signal. Further, the interface establishing device includes means for combining said tone signal and said use signal and sending the combined signal to said communication device.

Claim 90, from which claim 91 depends, recites an interface establishing device for providing a connection over a transmitting network, wherein a communication device is connectable to the interface establishing device. The interface establishing device includes means for receiving a use signal and a control signal separately via the transmitting network. The interface establishing device further includes means for sending said use signal and said control signal separately to said communication device, wherein said control signal is to be used to generate a tone signal.

Applicants respectfully submit that the cited prior art fails to disclose or suggest all of the features recited in any of the above claims. Specifically, Applicants respectfully submit that the APA fails to disclose or suggest at least the feature of the first communication device and the first network device are connected such that a use signal and a control signal are sent separately to the first interface establishing device, as recited in claim 59 and similarly recited in claims 80, 86, 88 and 90.

Instead, Figures 1-3 clearly show that the use signal and the control signal are transmitted on one line and not separately to the first network establishing device, as claimed in the present invention. As described at least on page 1 line 29 – page 2 line 1 of the specification, Figure 2 merely shows the first network establishing device 3 sending a compressed speech signal USC and the CS to the second network establishing device 5. Further, note that Figure 2 shows that the control signal CS is not sent from the first network control device 3 and the second network control device 3. Still further, Figure 3, (also labeled “Prior Art”) shows the control signal CS and the use signal US are sent on the same line to the network establishing device. This is further evidenced by the description on page 4 of the specification. In the prior art, the signaling message is converted into a tone signal at the MSC, sent to the gateway, and is then again converted into a signaling message, which may cause disturbances on the use signal.

On the other hand, as clearly shown in Figure 4 and recited in the pending claims, the use signal US and the control signal CS are transmitted separately to the first network establishing device GW.

Applicants respectfully submit that because claims 60-63, 67-70, 72, 73, 75, 77-79, 81-84, 87, 89 and 91 depend from claims 59, 80, 86, 88 and 90 respectively, these claims are allowable at least for the same reasons as claims 59, 80, 86, 88 and 90. Further, Applicants respectfully submit that the prior art fails to disclose or suggest all of the features of these dependent claims.

Based at least on the above, Applicants respectfully submit that the cited reference fails to disclose or suggest all of the features of claims 59-63, 67-70, 72-73, 75, 77-84 and 86-91. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. 102(e) is respectfully requested.

The Office Action rejected claims 64, 71, 74 and 76 under 35 U.S.C. 103(a) as being obvious over APA, in view of US Patent No. 6,259,691 to Naudus (Naudus). The Office Action took the position that APA disclosed all of the features of these claims except for the feature of the second network control device comprising a tone generation means. The Office Action alleged that Naudus disclosed this feature. Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features of any of the above claims.

Specifically, Applicants respectfully submit that APA is deficient at least for the reasons discussed above, and Naudus fails to cure these deficiencies. AP is discussed above.

Naudus is directed to a system and method for efficiently transporting DTMF signals in a telephone connection on a network based telephone system. Naudus considers a particular delay in the audio stream due to the DTMF signals. However, Naudus fails to mention, disclose or suggest at least the feature that the control signal and the use signal are sent separately from the communication device (mobile terminal) to the network control device (MSC), to the gateway, and then to the far-end of the network, as claimed in the present invention. Thus, Naudus fails to cure the deficiencies of APA.

Based at least on the above, Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in claims 64, 71, 74 and 76. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. 103(a) is respectfully requested.

The Office Action objected to claims 65-66 and 85 as being dependant from rejected base claims. Applicants respectfully submit that because these claims depend from claims 59 and 80 respectively, these claims are allowable at least for the same reasons as claims 59 and 80. Accordingly, withdrawal of the objection to claims 65-66 and 85 is respectfully requested.

Applicants respectfully submit that each of claims 59-91 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicants respectfully request that each of claims 59-91 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.E. Brown', is written over a horizontal line.

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